

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

SANDRA MEONO,

Plaintiff,

v.

JOSHUA JAMES GRETHER  
and UNITED STATES ARMY,

Defendants.

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Civil Action No. 4:22-cv-2176

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1442(a)(1), § 1442a, § 1446, and 28 U.S.C. § 2679(d), and on behalf of defendants Joshua James Grether and the United States Army, the United States Attorney for the Southern District of Texas, by and through undersigned counsel, respectfully files this Notice of Removal and in support of such removal states as follows:

1. On or about June 3, 2022, a civil action was purportedly commenced against defendant Joshua James Grether and the United States Army, in the 281st Judicial District Court of Harris County, Texas. The petition was served on Defendant Joshua James Grether on June 7, 2022, and on Defendant United States Army on June 9, 2022. A copy of the petition initiating the action is filed with this Notice. *See* Index of Matters Filed (Petition).

2. The suit involves an automobile accident. Plaintiff alleges that Defendant Joshua James Grether rear ended Plaintiff's vehicle while either not paying attention or traveling too fast to come to a safe stop. Petition ¶ 8. Plaintiff alleged the doctrine of *respondeat superior* against Defendant United States Army. *Id.* ¶¶ 12-16. The petition seeks money damages. *Id.* ¶ 20.

3. Defendant Joshua James Grether was, at all times relevant to this action, an

employee of the United States Army. *See* 28 U.S.C. § 2671 (“Employee of the government” includes (1) officers or employees of any federal agency, members of the military or naval forces of the United States . . .”). Upon information and belief, all of defendant’s actions/omissions of which plaintiff complains were taken in the context and scope of his employment with the U.S. Army. *See* Certification of Scope of Employment.

4. Pursuant to 28 U.S.C. §§ 1442a and 1442(a)(1), removal is proper. 28 U.S.C. § 1442a permits removal when a member of the armed forces is sued in an official or individual capacity. Additionally, 28 U.S.C. § 1442(a)(1) permits removal when the “United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office or on account of any right....” Plaintiffs filed a civil lawsuit in state court naming as defendants a member of the United States Army acting in the course and scope of his employment, and the United States Army. Moreover, removal is proper pursuant to 28 U.S.C. § 1446(a) as Harris County is within the Southern District of Texas. Finally, pursuant to 28 U.S.C. § 1446(b)(1), the United States files this notice of removal within 30 days of receiving notice of Plaintiffs’ lawsuit. In light of the foregoing, the United States respectfully submits that this action should be removed from the 281st Judicial District Court of Harris County to this Honorable Court.

5. A copy of this Notice of Removal is being served upon counsel for plaintiff and a copy will be filed with the Harris County Clerk’s Office pursuant to Title 28 U.S.C. § 1446(d).

Respectfully submitted,

JENNIFER B. LOWERY  
United States Attorney  
Southern District of Texas

/s/ **Chad W. Cowan**

CHAD W. COWAN  
Assistant United States Attorney  
Southern District of Texas  
1000 Louisiana Street, Suite 2300  
Houston, Texas 77002  
PH: (713) 567-9569  
FX: (713) 718-3303  
Texas Bar No. 24082540  
[Chad.Cowan@usdoj.gov](mailto:Chad.Cowan@usdoj.gov)

Attorneys for Defendant.

**CERTIFICATE OF SERVICE**

I certify that on July 1, 2022, the foregoing notice was filed with the Court through the Southern District of Texas Court CM/ECF system and served on all parties and counsel registered with the Court CM/ECF system. The following were served via email and U.S. Mail:

Husein Hadi  
Jamil Thomas  
Sedrick Stagg  
Seve Thomas  
Ariana Mehdipour  
Anita Mehdipour  
The Hadi Law Firm, PLLC  
7100 Regency Square Blvd. Ste 140  
Houston, TX 77036  
Email: [litigation@thehadilawfirm.com](mailto:litigation@thehadilawfirm.com)

Attorneys for Plaintiff

/s/ **Chad W. Cowan**

CHAD W. COWAN  
Assistant United States Attorney